



FJC ONLINE

INTRANET SITE OF THE FEDERAL JUDICIAL CENTER



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New and Noteworthy

Keeping Government Secrets: A Pocket Guide for Judges on the State-Secrets Privilege, the Classified Information Procedures Act, and Court Security Officers | (Orderable Publication) 2007 (PDF, 44 pp.)

Courtroom Use Study 2007 (Website)

Recent Developments in Bankruptcy Law 2008 (PDF, 16 pp.)

Benchbook for U.S. District Court Judges, Fifth Edition | (RTF) | (Orderable Publication) 2007 (PDF, 279 pp.)

Federal Judicial Center
Annual Report
2007

FEDERAL JUDICIAL CENTER
Annual Report 2007

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A MESSAGE FROM THE DIRECTOR

Forty years ago, on December 20, 1967, President Johnson signed legislation creating the Federal Judicial Center as the research and education agency within the judicial branch. Chief Justice Earl Warren, the Judicial Conference, and Administrative Office Director Warren Olney all worked hard to secure passage of that legislation. The Center's first educational program was an orientation for new district judges in Denver in May 1968, and the first research project was a time study of district courts.

In the forty years since its creation, the Center has produced thousands of educational programs, research reports, and publications. As the judiciary has grown and changed, so has the Center. We have incorporated technology to reach thousands of judges and staff in ways unimagined in 1967. And we have built a reputation for excellence in all that we do.

The pages that follow describe the Center's activities during calendar year 2007. Throughout its history, the Center has had an exceptionally talented and dedicated staff. With help from judges and court employees, a remarkably small number of people (currently 121) accomplish a great deal. Many projects described in this report are worthy of note, but I would like to look at two to illustrate how seamlessly the Center's staff works.

In November 2005, in response to concerns about court construction costs, Congressman Bill Shuster, then chair of the Subcommittee on Economic Development, Public Buildings and Emergency Management of the House Committee on Transportation and Infrastructure, asked the judiciary to do a study on the use of courtrooms. The Judicial Conference referred that request to its Committee on Court Administration and Case Management (CACM), and that committee asked the Center to conduct the study.

Center researchers immediately began designing and conducting one of the largest and most complex studies that the Center has ever undertaken. Their project had two components. First, working closely with staff in twenty-six study courts, they collected comprehensive data about all activity that occurs, or is scheduled to occur, in federal district courtrooms. Second, to examine the views and experiences of judges and attorneys concerning courtroom use, they surveyed all district and magistrate judges and a national random sample of attorneys.

A project of such scope required close collaboration with the courts and the Administrative Office of the U.S. Courts and involved experts from other disciplines on the Center's staff. The project team worked with Center computer scientists to develop a software application that could track courtroom usage and scheduling. To train court staff on data collection and the use of the application, the team enlisted Center training

and curriculum developers and court training specialists. In all, some twenty-five Center staff members worked with six court trainers, a technical advisory group of ten court staff, and thirty-five liaisons from the study courts to collect data involving 603 courtrooms in ninety-one courthouses.

The Center provided its preliminary report to the CACM committee in November 2007, as well as to liaisons from five other Conference committees, and will produce a final report in mid-2008. The study is very important for the judiciary and its efforts to be fiscally responsible, and will help the judiciary to determine, and justify, legitimate courtroom needs.

While the courtroom use study was under way, another interdisciplinary group of Center staff collaborated to create a new Center website. The Center's site on the courts' intranet was last revised in 1998—generations ago by Web standards. It needed updating so court users could find the many new kinds of resources that were not accounted for in the site's earlier design.

A working group representing the Center's divisions and offices set out to reorganize information on the site in a more user-friendly way. Working group members concluded that judges and court staff who seek information from the Center are usually looking for resources on a particular topic, or for information for people in their position. So they recommended a roadmap for the site organized along two main approaches—by subject matter and by user group.

Our systems development and information services staff labored through the year to implement that vision and launched the new site, FJC Online (cwn.fjc.dcn), in October. In addition to a new design, FJC Online offers several new forms of content, such as streaming video of FJTN broadcasts, streaming audio recordings of in-person conferences and seminars, and resources for judges on international judicial relations. It also preserves popular components of the previous site, such as the judicial history pages and the online ordering catalog of publications and media programs. FJC Online is a work in progress, as we are adding new content all the time and will continue to refine it to make it easier to get information from the Center.

Like the Center directors who preceded me, I often receive compliments on the Center's work. I am grateful to those in the courts and elsewhere for the kind words you share, and grateful to the Center's staff who make these accomplishments possible.



BARBARA J. ROTHSTEIN

ABOUT THE FEDERAL JUDICIAL CENTER

Statutory Mission

Congress created the Federal Judicial Center in 1967 “to further the development and adoption of improved judicial administration in the courts of the United States.” The Center provides education and training for judges and employees of the federal courts and conducts empirical and exploratory research into judicial administration, including case management and proposed changes to the federal rules of procedure. This annual report, mandated by statute, describes the Center’s activities in calendar year 2007.

Governance

The Chief Justice of the United States chairs the Center’s Board, which by statute also includes two circuit judges, three district judges, one bankruptcy judge, and one magistrate judge who are elected to four-year terms by the Judicial Conference of the United States, and the director of the Administrative Office of the U.S. Courts, who serves *ex officio*. The Board oversees the Center’s activities, and its members serve on standing committees on education and research and on advisory committees on judicial education programs (listed on page 14).

In March 2007, the Judicial Conference elected Judge David O. Carter of the U.S. District Court for the Central District of

California and Judge Philip M. Pro of the U.S. District Court for the District of Nevada to the Center’s Board, replacing Judge James A. Parker of the U.S. District Court for the District of New Mexico and Judge Sarah S. Vance of the U.S. District Court for the Eastern District of Louisiana, whose terms expired. In September 2007, the Judicial Conference elected Judge William B. Traxler, Jr., of the U.S. Court of Appeals for the Fourth Circuit to the Board to complete the term of Chief Judge Karen J. Williams, who became Chief Judge of the U.S. Court of Appeals for the Fourth Circuit and therefore was statutorily ineligible to continue to serve on the Center’s Board.

The Board appoints the Center’s director and deputy director; the director appoints the Center’s staff. All but one of the Center’s nine directors have been federal judges, including its current director, Judge Barbara J. Rothstein of the U.S. District Court for the Western District of Washington.

Organization

The organization of the Center reflects its primary statutory mandates. The Education Division plans and produces education and training programs for judges and court staff, including in-person programs, satellite broadcasts, video programs, publications, curriculum packages for in-court training, and Web-based programs and resources. The Research Division examines and evaluates current and alternative federal court practices and policies. This research assists Judicial Conference committees, who request most Center research, in developing policy recommendations. The Center’s research also contributes substantially to its educational programs. The two divisions work closely with two units of the Director’s Office—the Systems Innovations & Development Office and Communications Policy & Design Office—in using print, broadcast, and online media to deliver education and training and to disseminate the results of Center research. The Federal Judicial History Office helps courts and others study and preserve federal judicial history and provides curricula and information about the judiciary for presentation to members of the public. The International Judicial Relations Office provides information to judicial and legal officials from foreign countries and assesses how to inform federal judicial personnel of developments in international law and other court systems that may affect their work.

BOARD OF THE FEDERAL JUDICIAL CENTER

The Chief Justice of the United States, *Chair*

Judge David O. Carter, U.S. District Court for the Central District of California

Judge Bernice B. Donald, U.S. District Court for the Western District of Tennessee

Judge Terence T. Evans, U.S. Court of Appeals for the Seventh Circuit

Magistrate Judge Karen Klein, U.S. District Court for the District of North Dakota

Judge Philip M. Pro, U.S. District Court for the District of Nevada

Judge Stephen Raslavich, U.S. Bankruptcy Court for the Eastern District of Pennsylvania

Judge William B. Traxler, Jr., U.S. Court of Appeals for the Fourth Circuit

James C. Duff, Director of the Administrative Office of the U.S. Courts

Coordination Within the Judicial Branch

Numerous programs and projects described in this annual report involve coordination, cooperation, and consultation with committees of the Judicial Conference, with the Administrative Office, and with the U.S. Sentencing Commission. Advisory committees of judges, court staff, and others help in planning and producing education programs and publications. These committees are listed on page 14.

Staffing and Appropriation

The Center had a fiscal 2007 appropriation of \$22,874,000, and it employed 121 people at the end of calendar year 2007. Its fiscal 2008 appropriation is \$24,187,000. Approximately 75 percent of Center expenditures support its education and training activities, with the remainder devoted almost entirely to its research activities.

SENIOR STAFF OF THE FEDERAL JUDICIAL CENTER

Hon. Barbara J. Rothstein, Director

John S. Cooke, Deputy Director

Bruce M. Clarke, Director, Education Division

Ted E. Coleman, Director, Systems Innovations
& Development Office

James B. Eaglin, Director, Research Division

Mira Gur-Arie, Director, International Judicial
Relations Office

Bruce A. Ragsdale, Director, Federal Judicial
History Office

Sylvan A. Sobel, Director, Communications
Policy & Design Office

2007 at a glance

In 2007, the Center

- provided more than 300 in-person, in-court, and technology-based educational programs for more than 10,500 federal judge and court staff participants
- completed eight major research and evaluation projects, continued work on twenty-seven others, and responded to more than forty-five other requests for short-term research assistance
- produced twenty-one new programs for broadcast on the Federal Judicial Television Network (FJTN) and five educational video programs for use in in-person training programs
- broadcast 109 programs on the FJTN for the Center, the Administrative Office, and the Sentencing Commission, twelve of which were live
- published or updated thirteen reports, manuals, monographs, or reference guides
- developed two e-learning programs and four Web-based resources for FJC Online, the Center's new site on the courts' intranet
- completed two new curriculum packages and one new program for in-court education of court staff and probation and pretrial services officers and staff
- distributed more than 20,000 copies of its publications, as well as almost 3,600 audio, video, and multimedia programs
- coordinated forty-six briefings for 306 foreign judges, court officials, scholars, and students from some fifty countries.

EDUCATION AND TRAINING

The Center's educational programs reached more than 2,000 federal judge participants, 7,300 court staff participants, and 1,100 federal defenders and their staff in 2007 (see tables on page 8). Programs for judges, federal defenders, and court unit executives are typically presented in person to facilitate discussion of substantive, procedural, and case-management issues. The Center uses a variety of distance learning methodologies to deliver most programs for court staff, including Web conferences with audio components, e-learning, satellite broadcasts on the Federal Judicial Television Network (FJTN), and programs taught in the courts with instructor and participant materials provided by the Center. Some workshops for managers and supervisors are delivered in person.

The Center also produced twenty-one new programs for broadcast on the FJTN and five new video programs for use in other education and training programs. (FJTN viewership is not included in the participant figures above, nor are the use of educational publications and other resources on FJC Online, the Center's site on the judicial branch's intranet.)

Education Programs and Resources for Judges and for Legal Staff

In 2007, the Center conducted orientation seminars for new district, bankruptcy, and magistrate judges; national workshops for bankruptcy and magistrate judges; conferences in several circuits for district and circuit judges together; a national conference for chief district judges; and special-focus seminars tailored to the needs of particular judge participants. Audio recordings of many of these programs are available on FJC Online. The Center also provided faculty to teach several programs delivered in-district upon request from the district's chief judge.

Most of the national workshops and circuit conferences featured sessions on judicial ethics, new developments in information technology, and selected cases from the 2006–2007 Supreme Court term. The programs for chief district judges, magistrate judges, and bankruptcy judges included updates from Administrative Office staff on legislative and operational matters.

Education and training highlights in 2007

- The launch of FJC Online. The Center posted several new resources for judges on FJC Online, including *Safeguarding Personal Information in Electronic Transcripts*, which provides a written explanation of the Judicial Conference's privacy policy, a sample advisory for the court to read to the parties, and a copy of the policy; *Terrorism Cases: Case-Management Challenges*, which includes case studies, selected orders and other case documents, statutes, and Center resources; and streaming video of new FJTN programs and streaming audio of selected sessions from in-person workshops. Also posted were two new e-learning programs on ethics and the Code of Conduct: *Everyday Ethics: A Matter of Choice* for probation and pretrial services officers and staff, and *Avoiding Ethics Pitfalls* for judicial assistants and clerk's office employees.
- Educational initiatives for judges on the Crime Victims' Rights Act. The Center distributes its 2005 paper on the Act to new district and magistrate judges at its orientation workshops. The paper, which is also on FJC Online, examines the Act's key provisions, its application at various stages of criminal proceedings, potential issues that may arise under it, and cases that have applied it. A video, *The Rights of Crime Victims*, was prepared for broadcast viewing on the FJTN in 2008. The video examines the requirements of the Act and how it has affected the Federal Rules of Criminal Procedure; the video also includes a segment in which judges, prosecutors, and victims' rights coordinators who have dealt with crime victims pursuant to the Act describe their experiences.
- Development of information technology (IT) training programs for judges. At the request of the Judicial Conference Committee on Information Technology and in coordination with the Administrative Office, the Center convened a conference on effective uses of IT for judges. The 31 appellate, district, magistrate, and bankruptcy judge participants identified and evaluated new IT resources for judges and examined how best to make judges aware of, and educated in the use of, these technologies. Also, at the request of the chair of the IT committee, the Center facilitated a roundtable discussion on IT issues confronting federal courts during the National Center for State Courts' Court Technology Conference.

Chief district judges also engaged in roundtable discussions of legal and case-management issues, received an update on the implementation of demonstrably effective practices in defendant and offender supervision, and examined post-*Booker* sentencing developments. The Chief Justice of the United States and the Director of the Administrative Office were among the program speakers. The conference was preceded by an executive team development workshop for new chief judges and their clerks of court.

Five circuit-based workshops for appellate and district judges covered various national and circuit-specific areas of interest. Topics included evidentiary issues; abstention, preemption, removal, and certification; developments in immigration and their effect on criminal justice; management and trial of federal capital cases; and updates on copyright and trademark law and on disability discrimination.

Bankruptcy judges at their national workshops focused on Chapter 7, 11, and 13 topics; student loan cases; subprime mortgages and other consumer lending issues; and the craft of judging. Participants at the seminar for bankruptcy appellate panel (BAP) judges explored administrative challenges facing BAP courts; legal writing; and the role of federal courts in society.

The agenda for the national workshops for magistrate judges included overviews of evidence issues in employment cases; analysis of problems that arise in criminal cases; sessions on section 1983 civil rights cases, the post 9/11 legal landscape, and discovery of electronically stored information; and an examination of Social Security decisions. The workshops also included sessions on effective treatment and rehabilitation programs for drug offenders, pretrial management of defendants charged with sex offenses, and jury instructions.

The Center conducted thirteen special-focus seminars for judges. A new program, *Disaster Recovery: New Issues in Law and Society*, explored the impact disasters generally, and Hurricane Katrina in particular, have upon the legal system. Other 2007 special-focus programs explored death penalty cases; employment law; intellectual property; environmental and natural resources law; law and genetics; law and science; law and society; law and terrorism; mediation (one program for bankruptcy judges, one for district and magistrate judges); and humanities and science (the Harold Medina Seminar). Many of the special-focus programs were conducted in collaboration with law schools or other educational institutions. For example, the Center is collaborating with the American Association for the Advancement of Science, the Dana Foundation, and the Gruter Foundation to develop a series of judicial education programs on neuroscience and law, which have been presented at the Dana Foundation, Stanford Law School, and the National Judicial College.

Each year the Center offers judges a selection of programs for in-court delivery by Center-provided faculty. Program top-

ics in 2007 were slavery and the American revolutionary era; improving the writing and editing of opinions; intellectual property cases, with an emphasis on modern patent law; law and the Holocaust; and law and literature.

The Center conducted a national workshop and a sentencing seminar for federal defenders. Defender staff attended a law and technology workshop, a conference for federal defender administrators, an orientation seminar for assistant federal defenders, and a seminar for federal defender investigators and paralegals. The Center also conducted programs for circuit mediators and senior staff attorneys.

Some Center educational activities this year were undertaken at the request of the Judicial Conference of the United States, the Administrative Office, or other federal government agencies. At the request of the Committee on Information Technology, the Center, in collaboration with the Administrative Office, is developing multifaceted judicial information technology training programs for judges.

Continuing a project initiated in 2006, the Center helped the Department of Justice's Executive Office for Immigration Review improve its training for immigration judges and members of the Board of Immigration Appeals. Improved training of these judges will ultimately serve the needs of those U.S. courts of appeals with large numbers of asylum cases on their dockets.

The Center and a working group of the Judicial Resources Committee began to develop educational materials for court managers and employees on new compensation policies adopted by the Judicial Conference in September 2007. Center staff also facilitated an Administrative Office-sponsored Case Management/Electronic Case Files (CM/ECF) Futures Planning Meeting for several judges, clerks of court, a systems administrator, and Administrative Office staff.

Education Programs and Resources for Court Staff

The Center's Professional Education Institute (PEI) for court staff enjoyed increased usage in 2007. PEI enhances staff development by identifying key management and leadership practices and providing curricula and resources to help staff learn and hone those practices. It includes separate tracks for staff in court unit executive offices and a discrete component for probation and pretrial services line officers. A portal on FJC Online provides entry to the PEI virtual campus.

Court Managers

Strategic planning, management, and leadership were the major topics at the Center's national conferences and workshops for court unit executives. Appellate and bankruptcy appellate panel clerks and chief deputy clerks explored contemporary parallels to the management challenges faced by General

Eisenhower and Prime Minister Churchill during World War II. Sessions covered such topics as communication styles, obstacles to team building, and managing complex relationships and organizations. Circuit executives, deputy circuit executives, and assistant circuit executives examined succession planning, leadership and operational issues, and best practices.

Five Judicial Conference Committee chairs participated in a program for clerks of bankruptcy courts, bankruptcy administrators, bankruptcy appellate panel clerks, and chief deputy clerks on current policy initiatives and their potential effect on court operations and creative trends in workforce management. Videotapes of this program were subsequently broadcast on the FJTN under the titles *The Power of the Purse*

and *All Its Strings* and *A Positive Look at Bankruptcy's Future*. A workshop for bankruptcy administrators examined the 2005 Bankruptcy Act's impact on Chapters 7, 11, and 13, legislative developments, and management challenges. Circuit librarians learned about strategic planning.

During the leadership institute for new court unit executives, participants reviewed feedback from a 360-degree leadership assessment survey completed by their staff and peers, and they created development plans to enhance their management skills. They also discussed leadership best practices and leading during times of challenge and change, among other topics.

The 360-degree assessment survey was also a component of the institute for chief deputy clerks and deputy chief probation

Online, print, and media resources for judges

Last year, the Center developed educational materials for judges on special case-management challenges posed by terrorism cases, such as dealing with classified evidence and arguments, and serving and taking testimony from foreign witnesses. Center staff interviewed more than fifteen district judges who have been assigned major, widely publicized terrorism cases. The results of the interviews and related materials were posted on a page of resources on terrorism-related cases on FJC Online.

Center-produced FJTN programs for judges and legal staff included *Justice Stephen G. Breyer on Judicial Independence* (produced for a conference on judicial independence organized by Justice Breyer and retired Justice Sandra Day O'Connor and hosted by the Dedman School of Law at Southern Methodist University); the Center's annual broadcast of *Supreme Court: The Term in Review* (analysis of selected cases in the 2006–2007 term); analyses of bankruptcy decisions in the Eighth, Fourth, and Ninth Circuits in 2006; *Bankruptcy Law Clerk Orientation* (including a live audio response segment); and an updated version of *Basics of Employment Discrimination Law for Law Clerks*. Collaborative projects included *Budgeting Criminal Cases: High Cost CJA Panel Representations* (with the Administrative Office); *Sentencing and Guidelines: 2007 Amendments* and *Firearms, Relevant Conduct, and Immigration* programs in the new *Advanced Guidelines* series (with the U.S. Sentencing Commission); and *The*

Pentagon Papers: Did the Courts Get it Right? (a video of the Historical Society of the D.C. Circuit's panel discussion of attorneys involved in the Pentagon Papers litigation and law professors who have written about the case). Streaming videos of most of these programs are available on FJC Online. The Center also produced new videos for use during the in-person orientations for newly appointed bankruptcy judges: *Handling Motions*; *Handling Trials*; *Chapter 11*; and *Overview of Chapter 13*.

In 2007, the Center published the fifth edition of its *Benchbook for U.S. District Court Judges*, the second edition of its *Law Clerk Handbook*, and the second edition of *A Guide to the Judicial Management of Bankruptcy Mega-Cases*, which includes case-related exhibits that are available on FJC Online for judges and court staff to download and customize. It also completed a monograph on ERISA and "pocket guides" on managing discovery of electronically stored information (addressing the December 2006 amendments to the Federal Rules of Civil Procedure on discovery of electronic information) and on managing cases that involve government secrets (addressing the state-secrets privilege, the Classified Information Procedures Act, and court security officers). It is also developing a pocket guide on the Crime Victims' Rights Act and related amendments to the Federal Rules of Criminal Procedure that took effect in December 2007.

and pretrial services officers. Participants also reviewed case studies demonstrating change management and communication skills and dealing with difficult behaviors.

The Center conducted an in-person executive team workshop for chiefs and their deputy chiefs. It also provided four orientation programs for new chief probation and pretrial services officers via audioconference.

Seventy-five experienced probation and pretrial services officers who aspire to be leaders concluded their participation in class VIII of the multifaceted three-year Leadership Development Program (LDP); the fifty-nine participants in class VII of the two and one-half year Federal Court Leadership Program (FCLP) for court staff attended a mid-program workshop. These programs include self-study, mentoring, a management improvement project, and participation in two in-person workshops. Since the Center launched LDP in 1992 and FCLP in 1996, some seventy-three graduates of these programs have been promoted to court unit executive positions and seventy to principal deputies, while many other program graduates have been promoted to managerial positions in the courts.

Court managers and supervisors with three or more years of experience were invited to attend one of two workshops about managing personnel problems, crisis management, and a new approach to developing work plans. At the Center's workshop for new court managers, offered twice in 2007 in response to increased demand, participants learned about making the transition to management, communication skills, strategies for implementing change, and working across generations.

The Center invited experienced supervising probation and pretrial services officers to attend one of four regional symposia designed to increase their skill levels in four key practices: leading with maturity and passion, fostering collaboration and teamwork, developing people, and championing and managing change. Four programs for new supervisors, conducted through three Web-audio conferences, provided instruction on transitioning to the role of supervisor, motivating staff, and managing performance. New supervising officers who completed a forty-hour self-study management program, a self-assessment with an assigned coach and a learning plan, and attended the Web-audio conferences had the opportunity to participate in an in-person Building Outstanding Supervisors program offered twice last year. The program concentrated on improving skills in communicating effectively, coaching, empowering others, and managing conflict.

District and Bankruptcy

The Center facilitated two Administrative Office CM/ECF operational practices forums—one for district courts, one for bankruptcy courts—and a Web-audio conference during the latter program for staff that could not attend in person. The Center also conducted a Web-audio conference program entitled *Managing a Capital Construction Project* in collaboration with the Administrative Office.

Probation and Pretrial Services

To help probation and pretrial services offices implement PEI in their districts, the Center invited designated district representatives to participate in one of five Web-audio conference programs and one in-person workshop. The Center also held a five-session Web-audio conference called *Cyber Crime: Investigation and Supervision* for all officers, to complement the Center's 2006 FJTN program on that topic.

Other Programs for Court Staff

The Center works closely with local court training specialists throughout the federal system. Two orientation workshops were held to introduce new training specialists to planning and development techniques, as well as to in-court programs and services available through the Center. The Center teaches select court personnel to deliver some in-court programs for court staff using Center-designed curriculum packages, which include instructor and participant materials. Other curriculum packages can be taught by staff with training experience. The Center conducted four train-the-trainer programs in 2007.

Among the new curriculum packages introduced this year were *Personal Strategies for Accountability in the Courts*, a commercially produced program for managers, supervisors, and staff who work in a team environment, and *Strategic Use of the Court's Website: Best Practices for Enhancing Your Court Website*, which helps court managers ensure that their internal and external websites are responsive to internal goals and requirements and to their customers' needs. During the summer, the Center conducted pilot workshops on several new curriculum packages slated for release in fiscal 2008, as well as on an update to its *Managing Employee Relations* package.

New FJTN programs for court staff included *Coaching for Leadership*, a commercially produced video, and four new editions of *Court to Court*, the Center's video magazine that reports innovative court practices. The Center also posted on FJC Online a timeline on *The Evolution of U.S. Bankruptcy Law*.

Seminars & Workshops for Judges, Jan. 1–Dec. 31, 2007

	Number of Programs	Number of Participants
Orientations for newly appointed district judges	3	57
Orientations for newly appointed bankruptcy judges	2	8
Orientations for newly appointed magistrate judges	3	58
Conference for chief district judges	1	95
Workshops for district and circuit judges	5	482
National workshops for bankruptcy judges	2	281
Workshop for bankruptcy appellate panels	1	27
National workshops for magistrate judges	2	311
Special-focus workshops	13	416
In-court seminars	18	282
TOTAL	50	2,017

The Center also held six programs for 1,113 federal defenders and staff, one program for thirty-six circuit mediators, and one program for thirteen senior staff attorneys.

Education & Training Programs for Court Staff, Jan. 1—Dec. 31, 2007

	Number of Programs	Number of Participants
Seminars and Workshops (national and regional)		
Clerks of court, clerk's office personnel, circuit executives, bankruptcy administrators, court librarians	16	1,204
Probation and pretrial services officers and personnel	9	364
Personnel in several categories*	4	116
TOTAL	29	1,684
In-Court Programs (programs using curriculum packages, training guides, and self-study programs)		
Clerks of court, clerk's office personnel, circuit executives, bankruptcy administrators, senior staff attorneys, court librarians	77	1,783
Probation and pretrial services officers and personnel	74	1,922
Personnel in several categories	42	753
TOTAL	193	4,458
Technology-based Programs (e-learning programs, videoconferences, audioconferences, online conferences, but not including FJTN broadcasts)		
Chambers staff	1	19
Clerks of court, clerk's office personnel, circuit executives, bankruptcy administrators, senior staff attorneys, court librarians	3	811
Probation and pretrial services officers and personnel	14	254
Personnel in several categories	2	137
TOTAL	20	1,221
GRAND TOTAL	242	7,363

*Includes team management workshops for judges and court unit executives.

RESEARCH

The Center conducts empirical studies on federal judicial administration as well as on the operation of the federal rules of procedure, most often at the request of committees of the Judicial Conference of the United States. In furtherance of the Center's mission to stimulate research on the federal courts, research staff collaborate on various court-related research activities conducted by other governmental agencies, as well as with academic and non-profit organizations.

Civil Litigation

The Center continued its multi-year study of the impact of the Class Action Fairness Act of 2005 (CAFA) on the federal courts. Center staff have gathered data on new class actions filed in or removed to the federal courts after the Act became effective in comparison with pre-CAFA filings or removals of class actions, and are now analyzing changes in litigation activities that may be attributable to CAFA, such as motions activity, discovery practices, class certification rulings, interlocutory appeals, trials, and settlements.

As an extension of the Center's research on summary judgment practices in six district courts over the past twenty-five years, the Center has collected and analyzed additional information on summary judgment activity to aid the Advisory Committee on Civil Rules as it considers proposed amendments to Federal Rule of Civil Procedure 56. As part of a related inquiry, research staff examined docket sheets and case files for instances in which the court considered or imposed sanctions for "bad faith" affidavits under Rule 56(g). Findings from analyses of summary judgment data are contained in the Center's report, *Trends in Summary Judgment Practice in the Federal Courts: Revised Analysis*.

The Center surveyed a sample of district court judges regarding claim construction issues in patent litigation and reported the results of that survey in *Patent Claim Construction: A Survey of Federal District Court Judges*. In a related effort undertaken in consultation with Administrative Office staff to the Committee on Court Administration and Case Management (CACM), the Center began analyzing data from 120 patent cases that involved special masters to determine what role special masters played in helping the court to manage and resolve issues involved in patent litigation.

The Advisory Committee on Civil Rules is considering possible amendments to Federal Rule of Civil Procedure 12 to require more detailed pleadings in civil cases. To assist the committee, the Center designed a project to examine the frequency and outcomes of motions for a more definite statement under Rule 12(e). The project seeks to determine the types of cases in which such motions may be common and, in instances in which a motion for a more definite statement was filed but not

granted, whether the plaintiff filed an amended complaint before the motion was decided.

The Center continued its study of capital habeas appeals in the federal courts. The study is examining a sample of capital habeas cases reported to the Administrative Office as being filed in the district courts in fiscal years 2000 and 2001, as well as all other capital habeas cases reported as pending at the end of fiscal year 2006 for longer than the median pending time for such cases. The study is analyzing the amount of time consumed by standard docketed events in the district courts and by case events such as discovery and stays for exhaustion. Researchers will also interview samples of judges, attorneys, court administrators, and death penalty law clerks to shed light on how a variety of factors, such as the litigation strategies of state prosecutors and habeas petitioners, might help to explain the processing times that are associated with capital habeas cases.

Criminal and Capital Case Litigation

At the request of the Committee on Defender Services, and with the cooperation of the Administrative Office, the Center commenced an evaluation of the Judicial Conference's experimental cost-budgeting positions in the Second, Sixth, and Ninth Circuits. Under this pilot program, attorney positions were created for a period of three years in each of these circuits to help district judges budget high-cost cases funded under the Criminal Justice Act. The cases include capital prosecutions, petitions for habeas corpus relief from capital sentences, and mega-cases with representation costs of more than \$30,000. The Center's evaluation includes a qualitative analysis of case-budgeting in each of the three circuits, as well as a quantitative analysis of CJA costs in each circuit for capital prosecution, capital habeas, and mega-cases. The project will also survey judges' and attorneys' satisfaction with case budgeting in each circuit. This project is one of several efforts by the Center to help Judicial Conference committees to assess cost-management efforts by the federal courts.

As a follow-up to the Center's earlier study of district courts' local rules, orders, and policies governing disclosure of *Brady* material, the chair of the Committee on the Rules of Practice and Procedure asked the Center to help the committee study actual practices of the district courts regarding disclosure of *Brady* material. The committee is also seeking information on experiences with the Department of Justice's recent revisions to its *U.S. Attorneys' Manual*, which expand the prosecutor's obligation to provide potentially exculpatory information to the defense.

The Advisory Committee on Criminal Rules has been monitoring the district courts' implementation of the Crime Victims' Rights Act of 2004 (CVRA) to determine whether additional

amendments to the Federal Rules of Criminal Procedure may be warranted. The committee asked the Center to study the experiences of courts in states that have crime victims statutes similar to the CVRA.

Bankruptcy Courts

Center staff began to update and revise the *Case Management Manual for United States Bankruptcy Judges* in collaboration with the Administrative Office. Center staff also designed research to update the caseweights used to assess bankruptcy judgeship needs.

Courtroom Use

Much of the Center's research resources were directed at delivering a preliminary report on the courtroom use study to the CACM committee. Research staff, with the help of court em-

ployees trained by the Center, collected data on courtroom use in a random sample of twenty-three district courts and three case study district courts. The study also surveyed all federal district judges nationwide and a national random sample of attorneys. The Center provided its preliminary report to the CACM committee in November 2007, as well as to liaisons from the Conference's committees on space and facilities, budget, judicial resources, magistrate judges, and bankruptcy, and will produce a final report in mid-2008.

Research Collaboration with Others

Center staff worked with the Stanford Empirical Intellectual Property Project at Stanford Law School to develop a patent litigation database that will be useful to the federal judiciary and provided assistance to the ALI-ABA in connection with a national program on expert testimony.

FEDERAL JUDICIAL HISTORY

In July 2007, the Center joined with the ABA Division for Public Education to conduct a second annual teachers institute on three historic cases in the federal trial courts. History teachers from across the country met with federal judges, scholars, and curriculum experts to examine *Amistad*, *Ex parte Merryman*, and the trial of Susan B. Anthony. The participants developed curriculum strategies that will enable teachers to incorporate the history of the federal judicial system in their study of U.S. history and will support judges who meet with public audiences to discuss the history of an independent judiciary. The Center and the ABA will offer a third teachers institute in Washington in June 2008.

The institutes are based on the Center's Teaching Judicial History project, which provides educators with extensive background on famous federal trials and related public debates.

The Center has made available online seven of the projected eleven units of the project, including a new one on *Ex parte Merryman*.

Among other historical projects, the Center completed research for a monograph on historical debates on judicial tenure; initiated compilation of a documentary history of the judiciary; and continued to maintain historical reference materials online, including the addition of information on the authorized meeting places of all federal courts since 1789. The Center compiled the legislative histories of the U.S. circuit courts, which served the judiciary from 1789–1911. The Center consulted with the National Archives and Records Administration to develop a new records retention schedule for non-trial civil case records since 1970.

PROGRAMS FOR FOREIGN JUDICIAL OFFICIALS

The Center's statute directs it to provide information about judicial administration to representatives of foreign judiciaries and to gather information about the administration of justice in other countries that may assist the Center's education and research functions. As part of this mandate, the Center coordinates briefings and workshops for visiting delegations, makes available its publications, and participates in a limited number of conferences and technical assistance projects abroad. Funding for these international exchanges comes from non-FJC sources, mostly other agencies of the U.S. government.

In 2007, the Center coordinated 46 briefings for 306 foreign judges, court officials, scholars, and students from some fifty countries (see box below). These programs included:

- meetings with judges on topics including case management, judicial ethics, and distance education;
- presentations on case assignment systems and court staffing formulas for foreign court administrators; and
- discussions about the Center's educational programming with visiting judicial delegations.

Center staff also participated in conferences and technical assistance projects abroad, including:

- the Third International Conference on the Training of the Judiciary, in Barcelona, Spain;
- consultations on the development of case-weighting protocols in Abu Dhabi, U.A.E.; and
- a series of advisory meetings about the creation of a research center with the judicial branch of Israel.

Each year the Center hosts visiting foreign judicial fellows, for whom it provides office space and equipment, access to Center resources and staff, and guidance with their research projects. In 2007, Judge Shinya Onodera, from the Tokyo District Court, Japan, spent time at the Center, conducting research on the case weighting and management techniques employed in U.S. courts.

In 2007, the Center was visited by judicial officers and other officials from the following countries:

Afghanistan	Guinea Bissau	Philippines
Algeria	India	Qatar
Argentina	Indonesia	Russia
Australia	Iraq	Saudi Arabia
Azerbaijan	Israel	Scotland
Bahrain	Japan	Serbia
Benin	Jordan	South Korea
Brazil	Kenya	Spain
Bulgaria	Kuwait	Sweden
Burkina Faso	Kyrgystan	Togo
Chad	Lebanon	Tunisia
China	Libya	Turkmenistan
Egypt	Malaysia	Ukraine
El Salvador	Mali	Viet Nam
France	Oman	West Bank
Gaza	Nepal	Yemen
Georgia	Niger	

RESOURCES

FJC Online

The Center's new intranet site, FJC Online (<http://cwn.fjc.dcn>), provides a convenient and accessible place for judges and court staff to find and order print, online, and media materials. Most Center publications, and some other resources, are available to the public on its Internet site (<http://www.fjc.gov>). In 2007, the Center distributed 20,616 printed copies of its publications.

Publications

Center manuals, monographs, and research reports are described throughout this report. Commercial publishers reprint several Center publications for sale to the public, including the *Reference Manual on Scientific Evidence, Second Edition*; *Manual for Complex Litigation, Fourth*; and *Guide to Judicial Management of Cases in ADR*. The Center receives no reimbursement from such commercial publishers. The manual *Effective Use of Courtroom Technology: A Judge's Guide to Pretrial and Trial* was a joint project of the Center and the National Institute of Trial Advocacy, which has published a version for attorneys. The Government Printing Office also carries several Center titles in its public sales program.

Federal Judicial Television Network

The Center operates the Federal Judicial Television Network (FJTN), a satellite broadcast network with viewing sites in more than 300 federal court locations, making it the second largest nonmilitary television network in the federal government. In addition to broadcasting its own educational programs to the courts, the Center transmits educational and informational

programming from the Administrative Office and the U.S. Sentencing Commission to judges and court staff over the FJTN. Some FJTN programs are broadcast live from the Center-operated studios in the Thurgood Marshall Federal Judiciary Building, allowing judges and staff at courthouses around the country to interact directly with faculty. Others are educational video programs produced in the studios, videotaped portions of educational conferences, and programs produced by other organizations that the Center or Administrative Office arrange to broadcast on the FJTN. Most programs are rebroadcast regularly to reach wider audiences and new judges and employees. In 2007, the FJTN broadcast 109 programs, twelve of which were live. The Center produced sixty of these programs, including twenty-one new programs, seven of which were live. The *FJTN Bulletin*, a program guide produced by the Center every other month, and published on the judiciary's intranet, provides broadcast schedules, program descriptions, and other news about the network.

Media Library

The media library contains almost 4,000 audio and video programs, including Center-produced educational video programs, videotapes of Center broadcasts on the FJTN, audiotapes of seminars and workshops, and more than 700 commercially produced video programs. In 2007, the media library loaned almost 900 programs to federal judges and judicial branch personnel on request and sent some 2,693 media programs directly to the courts for them to keep and use in local education and training programs. Many Center-produced media programs are available to the public through the National Technical Information Service of the Department of Commerce.

The following publications were printed or in production in 2007, and are also available on FJC Online and the Center's Internet site.

- *Benchbook for U.S. District Court Judges, Fifth Edition*
- *ERISA in the Courts*
- *Law Clerk Handbook, Second Edition*
- *Keeping Government Secrets: A Pocket Guide for Judges on the State-Secrets Privilege, the Classified Information Procedures Act, and Court Security Officers*
- *Managing Discovery of Electronic Information: A Pocket Guide for Judges*
- *Trends in Summary Judgment Practice*

The Center prepared the following publications for release only on FJC Online and on its Internet site in 2007.

- *A Guide to the Judicial Management of Bankruptcy Mega-Cases, Second Edition*
- *Brady v. Maryland Material in the United States District Courts: Rules, Orders, and Policies*
- *Citing Unpublished Federal Appellate Opinions Issued Before 2007*
- *Initial Report on Summary Judgment Practice Across Districts with Variations in Local Rules*
- *Patent Claim Construction: A Survey of Federal District Court Judges*
- *Progress Report to the Advisory Committee on Civil Rules on the Impact of CAFA on the Federal Courts*
- *Safeguarding Personal Information in Electronic Transcripts*

Information Services

Drawing from a specialized collection of books, journals, and published and unpublished documents on the work of the federal courts, the Center serves as a national clearinghouse for information on federal judicial administration. During the year

it answered numerous requests for information from judges and court staff, congressional staff, other government agencies, academics, researchers, the media, and others.

FEDERAL JUDICIAL CENTER FOUNDATION

The Federal Judicial Center Foundation is a private, nonprofit corporation that Congress established to receive gifts to support the work of the Center. The Foundation has sole authority to decide whether to accept gifts, and thereby to determine the suitability of would-be donors. The Foundation may not accept gifts earmarked for projects that have not previously been approved by the Center's Board, and the Center has sole control over the design and conduct of activities supported by donations.

The Foundation is governed by a seven-person board appointed by the Chief Justice, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives. No Foundation Board member may be a judge. Listed below are the Foundation Board members at the close of 2007:

Marna S. Tucker, Washington, D.C., *Chair*

Richard D. Casey, Sioux Falls, S.D.

Charles A. Legge, San Francisco, Cal.

Laurie L. Michel, Washington, D.C.

Sam C. Pointer, Birmingham, Ala.

John B. White, Jr., Spartanburg, S.C.

Benjamin L. Zelenko, Washington, D.C.

In creating the Foundation, Congress directed that the Center's Annual Report describe the purposes for which Foundation gifts were used in the relevant year. The Center used the following Foundation gifts in 2007:

- A multi-year grant from the William and Flora Hewlett Foundation to support a project that provides on-site consultation to courts seeking assistance in developing or refining their alternative dispute resolution programs. The grant funded travel expenses for consultations with two courts in 2007.
- Funds provided by the Northwestern School of Law at Lewis and Clark College paid partial travel expenses for federal judges to attend a program on environmental and natural resources law.
- Funds provided by Professor Margaret Berger of Brooklyn Law School from a grant she received from a trust fund created by the settlement of silicone gel breast implant litigation supported federal judges' attendance at two law and science seminars coordinated by Professor Berger in cooperation with the Center.
- Non-earmarked grants provided partial support of a judicial seminar on the humanities and science at Princeton University (the Harold Medina Seminar, mentioned on page 5).

JOHN R. BROWN AWARD

Judge John R. Brown, who served on the U.S. Court of Appeals for the Fifth Circuit from 1955 until his death in 1993, and as chief judge from 1967 until 1979, was a strong proponent of improved judicial administration and procedure. To recognize Judge Brown's appreciation of the Federal Judicial Center and his commitment to research and education about and for the federal judiciary, the Board of the Judge John R. Brown Scholarship Foundation, led by Mrs. Vera Brown, established the Judge John R. Brown Judicial Scholarship and Education Award. The

Award recognizes Center employees and those outside the Center who contribute to its judicial education and research missions. Previous recipients are Professors Joel Friedman, Margaret Berger, Karen Blum, Erwin Chemerinsky, Laurie Levenson, Ira Robbins, George C. Treister, and Elizabeth Warren, and Center staff members James Buchanan, Bruce Clarke, Denise Neary, Donna Stienstra, Marilyn Vernon, and Elizabeth Wiggins.

ADVISORY COMMITTEES

Advisory committees provide guidance on education programs and publications. The Chief Justice appoints the members of the advisory committees on appellate, bankruptcy, district, and magistrate judge education and the *Benchbook* committee, and Center Board members serve on each of these committees. The committees, which typically meet by telephone conference or during other Center programs, had the following membership at the close of 2007.

Committee on Appellate Judge Education

Judge Diarmuid F. O'Scannlain (9th Cir.), *Chair*
Judge Terence T. Evans (7th Cir.), *Center Board Representative*
Judge Emilio M. Garza (5th Cir.)
Judge Michael J. Melloy (8th Cir.)
Judge William B. Traxler, Jr. (4th Cir.), *Center Board Representative*
Margaret A. Irving (Administrative Office of the U.S. Courts)

Committee on Bankruptcy Judge Education

Chief Bankruptcy Judge James B. Haines, Jr. (D. Me.), *Chair*
Bankruptcy Judge Jeffery P. Hopkins (S.D. Ohio)
Chief Bankruptcy Judge Jim D. Pappas (D. Idaho)
Bankruptcy Judge Stephen Raslavich (E.D. Pa.), *Center Board Representative*
Bankruptcy Judge Eugene R. Wedoff (N.D. Ill.)
Professor S. Elizabeth Gibson (University of North Carolina Law School)
Francis F. Szczebak (Administrative Office of the U.S. Courts)

Committee on District Judge Education

Judge Kathryn H. Vratil (D. Kan.), *Chair*
Judge Carol Bagley Amon (E.D.N.Y.)
Judge Paul J. Barbadoro (D.N.H.)
Judge Deborah K. Chasanow (D. Md.)
Judge David H. Coar (N.D. Ill.)
Judge Bernice B. Donald (W.D. Tenn.), *Center Board Representative*
Judge Philip M. Pro (D. Nev.), *Center Board Representative*
Margaret A. Irving (Administrative Office of the U.S. Courts)

Committee on Magistrate Judge Education

Magistrate Judge Jonathan W. Feldman (W.D.N.Y.), *Chair*
Magistrate Judge Dennis L. Beck (E.D. Cal.)
Magistrate Judge Gerrilyn G. Brill (N.D. Ga.)
Magistrate Judge Karen K. Klein (D.N.D.), *Center Board Representative*
Magistrate Judge Richard L. Puglisi (D.N.M.)
Magistrate Judge Mary E. Stanley (S.D. W. Va.)
Thomas C. Hnatowski (Administrative Office of the U.S. Courts)

Committee on the Benchbook for U.S. District Court Judges

Judge Loretta A. Preska (S.D.N.Y.), *Chair*
Chief Judge Joseph F. Anderson, Jr. (D.S.C.)
Judge David. O. Carter (C.D. Cal.), *Center Board Representative*
Judge Paul L. Friedman (D.D.C.)
Judge Irma E. Gonzalez (S.D. Cal.)
Hon. John R. Steer (U.S. Sentencing Commission)

Defender Services Advisory Group Panel on Defender Education

Jon M. Sands (Federal Public Defender, D. Ariz.), *Chair*
Henry J. Bemporad (Deputy Federal Public Defender, W.D. Tex.)
David Beneman (Federal Public Defender, D. Me.)
Thomas W. Hillier II (Federal Public Defender, W.D. Wash.)
Henry A. Martin (Federal Public Defender, M.D. Tenn.)

Committee on Appellate Court Staff Education

Gino J. Agnello (Clerk of Court, 7th Cir.), *Chair*
Richard Donovan (Clerk of Court, 1st Cir.)
Len Green (Clerk of Court, 6th Cir.)
J. Terry Hemming (Circuit Librarian, 10th Cir.)
Marilyn Sargent (Chief Deputy Clerk, D.C. Cir.)
Pam Twiford (Chief Deputy Clerk, Fed. Cir.)
Gregory B. Walters (Administrative Office of the U.S. Courts)
Marisa Watson (Senior Staff Attorney, 3d Cir.)
Gary A. Bowden (Administrative Office of the U.S. Courts)

Committee on Bankruptcy Court Staff Education

Kenneth J. Hirz (Clerk of Court, Bankr. N.D. Ohio), *Chair*
Jeanne Brennan (Chief Deputy Clerk, Bankr. D. Md.)
Jeannette J. Clack (Chief Deputy Clerk, Bankr. N.D. Tex.)
Valrey W. Early III (Bankruptcy Administrator, Bankr. N.D. Ala.)
Yvonne Evans (Clerk of Court, Bankr. N.D. Ga.)
Sean McAvoy (Clerk of Court, Bankr. N.D. Iowa)
Pamela Sherry (Clerk of Court, Bankr. C.D. Ill.)
Mary Louise Mitterhoff (Administrative Office of the U.S. Courts)
Glen K. Palman (Administrative Office of the U.S. Courts)

Committee on District Court Staff Education

Sheryl L. Loesch (Clerk of Court, M.D. Fla.), *Chair*
Robert V. Barth, Jr. (Clerk of Court, W.D. Pa.)
Wally Edgell (Clerk of Court, N.D. W. Va.)
Donna Gregory (Chief Deputy Clerk, M.D. La.)
Peggy Ann Guernsey (Chief Deputy Clerk, N.D. Ind.)
Linda L. Jacobson (Clerk of Court, D. Me.)
Leandra Kelleher (Chief Deputy Clerk, D. Mont.)
Lance S. Wilson (Clerk of Court, D. Nev.)
Robert Lowney (Administrative Office of the U.S. Courts)

Committee on Probation and Pretrial Services Education

Karen Gilman (Chief U.S. Pretrial Services Officer, D. Minn.), *Chair*
Ann Marie Carey (Chief U.S. Pretrial Services Officer, N.D. Ill.)
George Johnson (Chief U.S. Probation Officer, M.D.N.C.)
David D. Keeler (Chief U.S. Probation Officer, E.D. Mich.)
George M. Walker (Chief U.S. Pretrial Services Officer, C.D. Cal.)
Barry J. Weiner (Chief U.S. Probation Officer, D.R.I.)
Kenneth O. Young (Chief U.S. Probation Officer, S.D. Cal.)
Nancy Beatty Gregoire (Administrative Office of the U.S. Courts)